

110TH CONGRESS  
1ST SESSION

# S. 1290

To amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. MODIFICATION OF AUTHORITIES FOR STATE**  
4       **APPROVING AGENCIES.**

5       (a) TECHNICAL AMENDMENT TO SCOPE OF AP-  
6       PROVAL.—Section 3670 of title 38, United States Code,  
7       is amended—

8               (1) by striking subsection (b); and

1 (2) in subsection (a), by striking “(a)”.

2 (b) MODIFICATION OF PROVISIONS RELATING TO AP-  
3 PROVAL OF COURSES.—

4 (1) MODIFICATION OF REQUIREMENT THAT  
5 STANDARDS FOR PROGRAMS OF APPRENTICESHIP BE  
6 APPROVED UNDER THE NATIONAL APPRENTICESHIP  
7 ACT.—Subsection (c)(1)(A) of section 3672 of such  
8 title is amended by striking “pursuant to section 2  
9 of the Act of August 16, 1937 (popularly known as  
10 the ‘National Apprenticeship Act’) (29 U.S.C.  
11 50a),”.

12 (2) MODIFICATION OF REQUIREMENT TO PRO-  
13 MOTE DEVELOPMENT OF APPRENTICESHIP PRO-  
14 GRAMS.—Subsection (d) of such section is amend-  
15 ed—

16 (A) in paragraph (1)—

17 (i) by striking “and State approving  
18 agencies”; and

19 (ii) by striking “shall utilize the serv-  
20 ices of” and inserting “may utilize the  
21 services of State approving agencies and”;  
22 and

23 (B) in paragraph (2), by striking “shall”  
24 and inserting “may”.

1           (3) MODIFICATION OF REQUIREMENTS RELAT-  
2           ING TO APPROVAL OF PROGRAM OF EDUCATION EX-  
3           CLUSIVELY BY CORRESPONDENCE.—Subsection (e)  
4           of such section is amended by striking “only if” and  
5           all that follows through the period and inserting  
6           “under such criteria as the Secretary prescribes pur-  
7           suant to section 3675.”.

8           (c) RESTATEMENT OF REQUIREMENT FOR COORDI-  
9           NATION OF APPROVAL ACTIVITIES.—

10           (1) IN GENERAL.—Subsection (a) of section  
11           3673 of such title is amended to read as follows:

12           “(a) IN GENERAL.—The Secretary shall take appro-  
13           priate measures to ensure the coordination of approval ac-  
14           tivities performed by State approving agencies under this  
15           chapter and chapters 34 and 35 of this title and approval  
16           activities performed by the Department of Labor, the De-  
17           partment of Education, and other entities to reduce over-  
18           lap and improve efficiency with respect to the activities.”.

19           (2) CONFORMING AMENDMENTS.—Such section  
20           is further amended—

21                   (A) in subsection (b), by inserting “FUR-  
22                   NISHING MATERIALS.—” before “The Sec-  
23                   retary”; and

1 (B) in the heading by striking “**Co-**  
 2 **operation**” and inserting “**Coordination**  
 3 **of approval activities**”.

4 (3) CLERICAL AMENDMENT.—The table of sec-  
 5 tions at the beginning of chapter 36 of such title is  
 6 amended by striking the item relating to section  
 7 3673 and inserting the following:

“3673. Coordination of approval activities.”.

8 (d) ADDITIONAL DISCRETION FOR THE SECRETARY  
 9 OF VETERANS AFFAIRS FOR REIMBURSING STATE AP-  
 10 PROVING AGENCIES FOR EXPENSES.—Section 3674 of  
 11 such title is amended to read as follows:

12 “§ 3674. Reimbursement of expenses

13 “(a) IN GENERAL.—(1) Subject to subsections (b)  
 14 and (c), the Secretary is authorized to enter into contracts  
 15 or agreements with State and local agencies to pay such  
 16 State and local agencies for reasonable and necessary ex-  
 17 penses of salary and travel incurred by employees of such  
 18 agencies and an allowance for administrative expenses in  
 19 accordance with such criteria as the Secretary determines  
 20 appropriate for activities performed pursuant to this chap-  
 21 ter for purposes of chapters 30 through 35 of this title  
 22 and chapters 1606 and 1607 of title 10.

23 “(2) Each such contract or agreement shall be condi-  
 24 tioned upon such terms and conditions as the Secretary  
 25 determines appropriate for services performed pursuant to

1 this chapter, including the condition that the State ap-  
2 proving agency shall collect and report annually to the  
3 Secretary, the Committee on Veterans' Affairs of the Sen-  
4 ate, and the Committee on Veterans' Affairs of the House  
5 of Representatives information on—

6           “(A) the amount of resources expended on such  
7           services performed pursuant to that contract; and

8           “(B) the qualification and performance stand-  
9           ards for State approving agency personnel respon-  
10          sible for such services.

11          “(b) SOURCE OF PAYMENTS.—Subject to subsection  
12 (c), the Secretary shall make payments authorized under  
13 subsection (a) to State and local agencies first out of  
14 amounts available for the payment of readjustment bene-  
15 fits and then from other amounts made available to make  
16 the payments.

17          “(c) LIMITATION ON AUTHORIZATION OF APPRO-  
18 PRIATIONS.—(1) The total amount authorized and avail-  
19 able under this section for any fiscal year may not exceed  
20 \$19,000,000, except that the total amount made available  
21 for purposes of this section from amounts available for  
22 the payment of readjustment benefits may not exceed the  
23 following:

24           “(A) \$19,000,000 for fiscal year 2007.

1           “(B) \$13,000,000 for fiscal year 2008, and  
2           each subsequent fiscal year.

3           “(2) For any fiscal year in which the total amount  
4 that would be made available under this section would ex-  
5 ceed the amount applicable to that fiscal year under para-  
6 graph (1) except for the provisions of this subsection, the  
7 Secretary shall provide that each agency shall receive the  
8 same percentage of the amount applicable to that fiscal  
9 year under paragraph (1) as the agency would have re-  
10 ceived of the total amount that would have been made  
11 available without the limitation of this subsection.”.

12           (e) EVALUATIONS OF AGENCY PERFORMANCE;  
13 QUALIFICATIONS AND PERFORMANCE OF AGENCY PER-  
14 SONNEL.—Section 3674A of such title is amended—

15           (1) by striking subsection (b);  
16           (2) in subsection (a), by striking “(a)”;  
17           (3) by redesignating paragraphs (1), (2), (3),  
18 and (4) as paragraphs (2), (3), (4), and (5), respec-  
19 tively;

20           (4) by inserting before paragraph (2), as redes-  
21 ignated by paragraph (3) of this subsection, the fol-  
22 lowing new paragraph (1):

23           “(1) establish performance measures—  
24           “(A) to assess the effectiveness of all serv-  
25 ices for which a State approving agency is reim-

1 bursed pursuant to section 3674 of this title  
 2 that are based on the outcomes of the services;  
 3 and

4 “(B) to assess the effectiveness of the  
 5 State approving agency in coordinating with  
 6 other entities, including the Department of  
 7 Labor and the Department of Education, to re-  
 8 duce overlap and improve efficiency in approval  
 9 activities;”;

10 (5) by amending paragraph (2), as redesignated  
 11 by paragraph (3) of this subsection, to read as fol-  
 12 lows:

13 “(2) conduct an annual evaluation of each State  
 14 approving agency on the basis of the performance  
 15 measures established under paragraph (1);” and

16 (6) in paragraph (3), as redesignated by para-  
 17 graph (3) of this subsection, by striking “under  
 18 paragraph (1)” and inserting “under paragraph  
 19 (2)”.

20 (f) APPROVAL OF COURSES.—

21 (1) IN GENERAL.—Section 3675 of such title is  
 22 amended to read as follows:

23 **“§ 3675. Approval of courses**

24 “(a) STANDARDS.—The Secretary shall establish  
 25 standards of approval for accredited and nonaccredited

1 courses offered by an educational institution that the Sec-  
 2 retary determines are necessary to carry out the provisions  
 3 of this chapter. Such standards shall be based on the fol-  
 4 lowing, as appropriate:

5           “(1) Student achievement.

6           “(2) Curricula, program objectives, and faculty.

7           “(3) Facilities, equipment, and supplies.

8           “(4) Institutional objectives, capacity, and ad-  
 9 ministration.

10          “(5) Student support services.

11          “(6) Recruiting and admissions practices.

12          “(7) Record of student complaints.

13          “(8) Process related requirements, such as ap-  
 14 plication requirements.

15          “(9) Such other criteria as the Secretary con-  
 16 siders appropriate.

17          “(b) APPROVAL.—A State approving agency may ap-  
 18 prove courses offered by an educational institution when  
 19 the standards established under subsection (a) have been  
 20 satisfied by such educational institution. In performing  
 21 such approval function, the State approving agency may,  
 22 to the extent permitted by the Secretary, rely upon deter-  
 23 minations made by other entities, including the Depart-  
 24 ment of Labor and the Department of Education.



1       “(c) DISAPPROVAL.—Approval granted under this  
 2 section may be revoked by the Secretary or a State ap-  
 3 proving agency under conditions established by the Sec-  
 4 retary.”.

5           (2) CONFORMING AMENDMENT.—Section  
 6 3452(h) of such title is amended by striking “an en-  
 7 trepreneurship course (as defined in section  
 8 3675(c)(2) of this title)” and inserting “a non-de-  
 9 gree, non-credit course of business education that  
 10 enables or assists a person to start or enhance a  
 11 small business concern (as defined pursuant to sec-  
 12 tion 3(a) of the Small Business Act (15 U.S.C.  
 13 362(a)))”.

14           (3) CLERICAL AMENDMENT.—The table of sec-  
 15 tions at the beginning of chapter 36 of such title is  
 16 amended by striking the item related to section 3675  
 17 and inserting the following new item:

“3675. Approval of courses.”.

18           (g) MODIFICATION OF PROVISIONS RELATING TO AP-  
 19 PROVAL OF NONACCREDITED COURSES.—

20           (1) IN GENERAL.—Section 3676 of such title is  
 21 repealed.

22           (2) CONFORMING AMENDMENTS.—(A) Section  
 23 3677 of such title is redesignated as section 3676.

1 (B) Section 3672(d)(1) of such title is amended  
 2 by striking “sections 3677” and inserting “sections  
 3 3676”.

4 (C) Section 3687(a)(2) of such title is amended  
 5 by striking “section 3677” and inserting “section  
 6 3676”.

7 (3) CLERICAL AMENDMENT.—The table of sec-  
 8 tions at the beginning of chapter 36 of such title is  
 9 amended by striking the item relating to section  
 10 3676 and inserting the following:

“3676. Approval of training on the job.”.

11 (h) NOTICE OF APPROVAL.—

12 (1) IN GENERAL.—Section 3678 of such title is  
 13 amended to read as follows:

14 **“SEC. 3677. NOTICE OF DETERMINATIONS BY STATE AP-**  
 15 **PROVING AGENCIES.**

16 “A State approving agency shall provide to the Sec-  
 17 retary, an educational institution, or such other entities  
 18 as the Secretary considers appropriate such notification  
 19 as the Secretary may consider necessary regarding deter-  
 20 minations made by the State approving agency pursuant  
 21 to section 3675 of this title.”.

22 (2) CONFORMING AMENDMENT.—Section  
 23 3689(d) of such title is amended by striking “3678”  
 24 and inserting “3677”.

1           (3) CLERICAL AMENDMENT.—The table of sec-  
2       tions at the beginning of chapter 36 of such title is  
3       amended by striking the items relating to section  
4       3677 and 3678 and inserting the following:

“3677. Notice of determinations by State approving agencies.”.

5       (i) MODIFICATION OF PROVISIONS RELATING TO  
6       DISAPPROVAL OF COURSES.—

7           (1) IN GENERAL.—Section 3679 of such title is  
8       repealed.

9           (2) CONFORMING AMENDMENT.—Section  
10       3689(d) of such title is amended by striking  
11       “3679.”.

12          (3) CLERICAL AMENDMENT.—The table of sec-  
13       tions at the beginning of chapter 36 of such title is  
14       amended by striking the item relating to section  
15       3679.

16       (j) EFFECTIVE DATE.—The amendments made by  
17       this section shall take effect on the date that is one year  
18       after the date of the enactment of this section.

○